



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Baltimore Field Office

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February 6, 2008

VIA FACSIMILE TRANSMISSION AND EXPRESS MAIL

Paul B. Maschmeyer, Esq.
Maschmeyer Karalis P.C.
1900 Spruce Street
Philadelphia, PA 19103

Re: EEOC v. LA Weight Loss (Pure Weight Loss)
Case No. WDQ-02-CV-648
U.S. District Court for the District of Maryland, Northern Division

Dear Paul:

As we discussed on January 15, 2008, I am one of the attorneys of record for the Plaintiff U.S. Equal Employment Opportunity Commission ("EEOC") in the above-styled and numbered action, which is pending in the U.S. District Court for the District of Maryland. EEOC enforcement actions are exempted from the automatic stay provision of the Bankruptcy Code. See, e.g., 11 U.S.C. § 362(b)(4); EEOC v. McLean Trucking Co., 834 F.2d 398, 402 (4th Cir. 1987); EEOC v. Hall's Motor Transit Co., 789 F.2d 1011, 1014 (3d Cir. 1986); EEOC v. Rath Packing Co., 787 F.2d 318, 325-26 (8th Cir. 1986). Accordingly, EEOC intends to proceed with its prosecution of this action and seek a judgment from the U.S. District Court. The pre-trial conference in this case is set for March 25, 2008, with the pre-trial order due from the parties on March 21, 2008.

In light of the foregoing, and in order to avoid unnecessary expenditure of judicial and agency resources, EEOC requests that the Trustee state in writing its position regarding whether anyone will defend this action. In the event that the appointed Trustee does not respond to this request by February 19, 2008, EEOC will file a motion for default judgment with the U.S. District Court for the District of Maryland.

Enclosed for your convenience is a copy of the Amended Complaint in this action and the U.S. District Court's Memorandum Opinion denying the Debtor's motion for summary judgment and granting in part and denying in part EEOC's motion for partial summary judgment. Please feel free to call me at (410) 209-2737. I can be reached by e-mail at (410) 962-4270 and e-mail at ronald.phillips@eeoc.gov. Thanks.

Sincerely,

A handwritten signature in black ink, appearing to read "R. L. Phillips", is written over a horizontal line.

Ronald L. Phillips
Senior Trial Attorney

Enclosures